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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,605	04/14/2004	Atsumasa Mizuno	1086.1199	5079
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STAAS & HALSEY LLP			EXAMINER	
SUITE 700			SENSENG, SHAUN D	
1201 NEW YORK AVENUE, N.W.				
WASHINGTON, DC 20005			ART UNIT	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/823,605

**Applicant(s)**

MIZUNO, ATSUMASA

**Examiner**

Shaun Sensenig

**Art Unit**

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_

### DETAILED ACTION

This action is in response to papers filed on November 6, 2009.

Claims 1 and 16-18 have been amended.

Claims 2-15 have been cancelled.

No claims have been added.

Claims 1 and 16-18 are pending.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chau et al. (Pub. No. US 2007/0260540 A1) (hereafter referred to as Chau) in view of Gans et al. (Numbers to the People: regulation, ownership and local number portability) (hereafter referred to as Gans).**

4. In regards to **Claims 1, 17 and 18**, Chau discloses:

A support method for transition of contents service providers according to transition of portable telephone companies providing communication service performed by a support server, comprising:

receiving a request for transition from a before-transition portable telephone company providing a first communication service to an after-transition portable telephone company providing a second communication service from a customer terminal, by a transition request reception unit of the support server; **([0018], lines 6-10; [0047], lines 2-4, shows plan comparisons between a customers current provider and a new being provider; [0048], lines 1-2, shows a customer being prompted to request a plan/transition; 120; and [0035], lines 7-8, shows a customer interface)**

providing information about a second contents service to be available via the second communication service equivalent to a first contents service obtained via the first communication service to the customer terminal by an after-transition service information presentation unit of the support server, **([0018], lines 6-10; [0047], lines 2-4, shows plan comparisons between a customers current provider and a new provider being listed by closest match; 120; and [0035], lines 7-8, shows a customer interface that presents selectable plans for after transition provider)**

wherein the information is based on

information on the first contents service provided by a first contents service provider to be available by the first communication service, **([0039], lines 1-2, shows user entering information about current service and provider (first contents service**

*provided by a first contents service provider to be available by the first communication service))*

information on contents of services provided by a second contents service provider to be available via the second communication service, ([0018], lines 6-10; [0047], lines 2-4, ***shows plan comparisons between a customers current provider and a new provider being listed by closest match;***) and

registering a selected contents service to contract with the second contents service provider, ([0048], lines 1-2, ***shows a customer being prompted to request a plan/transition, the new plan being contracted with a new service provider***)

Chau does not explicitly disclose a customer retaining the same telephone number when transitioning between service providers, however, Gans teaches a customer retaining the same telephone number when transitioning between service providers (**Abstract, lines 1-4, "...allowing a customer to retain their number when moving between...providers..."**).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Chau so as to have included a customer retaining the same telephone number when transitioning between service provider as taught by Gans since the claimed invention is merely a combination of old elements that would perform the same functions as they would perform separately (See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."), since doing so

could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Chau discloses the entering of information regarding a customers current service and provider ([0018], lines 6-10; [0047], lines 2-4, *shows plan comparisons between a customers current provider and a new provider being listed by closest match*). Chau does not explicitly disclose information being retrieved from a file using a telephone number, however, **using a telephone number to retrieve information regarding a customer's service** is old and well known to those of ordinary skill in the art, and official notice to that effect is hereby taken. For example, when interacting with a telephone service provider, a customer is often asked to provide their telephone number (in place of an account number) in order for a system or representative to access their service/account information.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Chau so as to have included using a telephone number to retrieve information regarding a customer's service since the claimed invention is merely a combination of old elements that would perform the same functions as they would perform separately (See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Chau does not disclose the use of service map files. However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have included the use of service map files as a design choice (See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

**Claim 18** recites substantially similar limitations to Claims 1 and 17. Although it uses different language the material and concepts are the same and therefore rejected using the same art and rational set forth above.

5. **Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chau in view of Gans in further view of Namiki et al. (Patent No. JP 2002175431 A) (hereafter referred to as Namiki).**

6. In regards to **Claim 16**, Chau discloses all of the above limitations. Chau does not explicitly disclose determining and notifying whether a customer qualifies for contents service transition based on predetermined criteria, however, Namiki teaches determining and notifying whether a customer qualifies for contents service transition based on predetermined criteria ([0061], *lines 1-4, shows the use of customer information (track record) to determine qualifications for transition eligibility*).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Chau so as to have included determining and notifying whether a customer qualifies for contents service transition based on

predetermined criteria as taught by Gans since the claimed invention is merely a combination of old elements that would perform the same functions as they would perform separately (See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

### ***Response to Arguments***

1. Applicant's arguments filed November 6, 2009 have been fully considered but they are not persuasive.
2. I. Rejection of Claims under 35 U.S.C. §103

Applicant's arguments in regards to the 35 U.S.C. §103 rejections are moot in view of the new prior art rejections.

### ***Conclusion***

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun Sensenig whose telephone number is (571) 270-5393. The examiner can normally be reached on Monday to Thursday 7:30 to 5:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. S./  
Examiner, Art Unit 3629  
January 24, 2010

/JOHN G. WEISS/  
Supervisory Patent Examiner, Art Unit 3629

